

May 25, 2011

*Via ECF*

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Honorable Sandra J. Feuerstein  
United States District Judge  
Eastern District of New York  
United States Courthouse  
100 Federal Plaza  
Central Islip, NY 11722-4438

Re: Goodman v. American Express Travel Related Services Co.  
Docket No. 08-2299 (SJF) (MLO)

Dear Judge Feuerstein:

We represent defendant American Express Travel Related Services Company, Inc. ("American Express") and write to provide the Court with a joint status report in the Kaufman matter, as directed by Your Honor's prior Order, to our last status report, dated April 1, 2011.

As was previously reported on April 1, 2011, the Kaufman Court ordered the parties to participate in a settlement conference, which was held on May 24, 2011 before the Magistrate Judge assigned to that matter. At that conference, American Express reached an agreement with the settling plaintiffs and the Rudd and Jarrett Intervenors, but not with the Goodman plaintiffs.

The Goodman plaintiffs' motions to compel American Express to produce additional documents and to respond to additional interrogatories was referred by the Kaufman Court to the Magistrate Judge. At a conference held on April 15, 2011, the Magistrate Judge orally denied the motion to compel production of additional documents and ordered American Express to respond to a few additional interrogatories, which it did on April 29, 2011. Several additional discovery-related motions are also currently pending before the Kaufman Court, including: (1) the Goodman plaintiffs' motion to hold American Express in contempt; and (2) American Express's motion for Rule 11 sanctions against the Goodman plaintiffs' counsel. The contempt motion is fully submitted. The Goodman plaintiffs have until June 1, 2011 to respond to American Express's Rule 11 motion, and American Express then has until June 15, 2011 to submit its reply.

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The Goodman plaintiffs have indicated that they will continue to oppose preliminary approval of such settlement and/or final approval.

Respectfully submitted,

/s/

James L. Bernard

cc: Honorable E. Thomas Boyle  
Richard Greenfield, Esq. (by email)  
Daniel Cobrinik, Esq. (by email)